

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

JAY NELSON, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

FOREST RIVER, INC.,

Defendant.

**CV-22-49-BMM**

**ORDER**

Plaintiff emailed the Court to request an information discovery telephone conference. The Court directed the parties to submit a supplemental briefing on the matter. (Doc. 106; Doc. 107.) The Court conducted a formal discovery hearing on December 11, 2024. (Doc. 109.) Two discovery disputes remained: Plaintiff's request for additional depositions and Plaintiff's request to extend discovery to documents dating back to 2004, the years affected by the recent recall. (Doc. 106; Doc. 107.)

Defendant Forest River argues that Nelson's request for additional deposition is premature because Nelson has not exhausted the 10-deposition limit in Federal Rule of Civil Procedure 30. (Doc. 106.) The Court agrees. Nelson must exhaust his available depositions before requesting additional depositions.

Nelson argues that the scope of discoverable materials should encompass documents from 2004 to 2024 because the recall initiated by Forest River for certain models of RVs extends to models manufactured during those years. (Doc. 107 at 10.) The Court disagrees that extending discovery to 2004 is necessary at this time. The Court agrees, however, that Nelson should be given an opportunity to discover some documents prior to 2015.

The Court enjoys broad discretion to control discovery. *Jeff D. v. Otter*, 643 F.3d 278, 289 (9th Cir. 2011). Under Federal Rule of Civil Procedure 26(b)(1), a court may compel any information “relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, and the importance of discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” “While ‘relevance’ is defined broadly, ‘[t]he 2015 Amendment to Rule 26(b)(1) emphasized the importance of proportionality in discovery requests.” *Nei v. Travelers Home & Marine Ins. Co.*, 326 F.R.D. 652, 656 (D. Mont. 2018) (citing *Moe v. System Trans., Inc.*, 270 F.R.D. 613, 618 (D. Mont. 2010); *Frost v. BNSF Rwy. Co.*, 218 F.Supp.3d 1122, 1134 (D. Mont. 2016)).

Nelson has not shown that he requires documents dating back to 2004 to

prove a claim or defense. Nelson merely argues that a document from 2004, “may” be relevant to Nelson’s claims, for example, a “design document from 2004 that pertains to Mr. Nelson’s 2019 Puma[.]” (Doc. 86 at 13.) Nelson argues that documents from 2004 are necessary to discover the “root cause” of the need for overcurrent protection. The Court agrees that Nelson should be permitted to discover whether documents from prior to 2015 exist that relate to Nelson’s claims regarding the RV defect. The scope of Forest River’s recall indicates that relevant information may exist prior to 2015.

Forest River argues, however, that it does not possess electronically searchable sales data from prior to 2015 or searchable warranty records from before 2016. (Doc. 84 at 10.) The cost and time required for Forest River to locate and produce records from 2004 to 2016 proves unduly burdensome when balanced against the needs of this case. Fed. R. Civ. P. 26(b)(1). Nelson will be permitted to discover documents dating to January 1, 2013. The parties may revisit this issue if problems arise or additional discovery proves necessary.

### **ORDER**

Accordingly, **IT IS HEREBY ORDERED** that

- 1) Plaintiff must exhaust the 10-deposition limit in Federal Rule of Civil Procedure 30 prior to submitting a motion for further depositions; and
- 2) The scope of discovery will be extended to January 1, 2013.

DATED this 20th day of December, 2024.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

---

Brian Morris, Chief District Judge  
United States District Court